

October 23. 1679.

I Do Appoint *Robert Pawlet* to Print this my Speech: And that no other Person presume to Re-Print the same.

WILLIAM SCRUGGS.

October 23. 1679.

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WILLIAM SCRUGGS.

[9.]

THE
Lord Chief Justice
SCROGGS
HIS
S P E E C H
IN THE
K I N G S-B E N C H

The first day of this present *Michaelmas Term*

1679.

Occasion'd by the many Libellous Pamphlets which
are publisch against Law, to the Scandal of the
Government, and Publick Justice.

TOGETHER

With what was Declared at the same Time on the same Occasion, in open
Court, by Mr. Justice JONES, and Mr. Justice DOLBIN.

L O N D O N,

Printed for Robert Pawlet at the Bible in Chancery-
Lane. 1679.

THE

Long Chieftaincy

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is the

H E A T S

and the

H A N D S

The first and the last

Decision of the world's people
is called the judgment of the world.
The people of the world are
the judgment of the world.

and the last

Decision of the world's people
is called the judgment of the world.
The people of the world are
the judgment of the world.

A M O R Y

The first and the last
Decision of the world's people
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[i]

THE
Lord Chief Justice
SCR O G G S

H I S SPEECH

In the K I N G S - B E N C H .

The First day of this present Michaelmas Term, 1679.

Occasioned, by the many

Libellous Pamphlets

That are Published against Law,

To the Scandal of the Government and Publick Justice.

W I T H

What Mr. Justice Jones, and Mr. Justice Dolbin,
then declared about the same.

I Have bound over this Man Richard Radley to his good
Behaviour, and to appear here this day, for saying false
and Scandalous words of me, which are Sworn to by two
several Affidavits, viz.

B

Wil-

day of August 1679, there being a Difference between Robert Raylett and Richard Radley, he heard the said Richard Radley say to him the said Raylett, If you think to have the Money you have overthrown me in, go to Weale-hall to my Lord Serorges, for he has received Money enough of Dr Wakeman, for his Acquittal.

Jurat. 4^o die Septembris,
1679. coram me

William Lewis.

W. H. Seroggs.

Robert Raylett makes his Oath, That there was
a Tryal at the last Essex-Assizes between him and one
Richard Radley, where he recovered Thirty eight
pounds; and he happening to be at work on the seventh
day of August 1672, over against the house of the
said Richard Radley, the said Richard Radley
told him, If you expect the Money you have overthrown
me in, You may go to Weale-Hall, for there is Money
enough come in now.

Jurat. 4° die Septembris,
Anno 1679, coram me

Robert Raylett.

Will. Scroggs.

First, I would have all Men know, that I am not so revengeful in my Nature, nor so netled with this Aspersion, but that I could have passed by this and more, but that the many scandalous Libels that are abroad, and which reflect upon publick Justice, as well as upon my private self, make it the Duty of my place to defend one, and the Duty I owe to my Reputation to vindicate the other.

And,

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ribone made dwi iess or basini I . bised tot se I have as I
And having this opportunity, I think this the properest
place for both. If once our Courts of Justice come to be
awed or swayed by vulgar noise; and if Judges and Juries
should manage themselves so, as would best comply with the
Humour of times; 'tis falsely said, That Men are Tryed for
their Lives or Fortunes; they live by chance, and enjoy what
they have as the wind blows, and with the same certainty;
The giddy Multitude have constancy, who Condemn or Ac-
quit always before the Tryal, and without proof.

Such a base fearful Complaisance, made *Felix* willing to
please the people, leave *Paul* bound, who was apt to tremble,
but not to follow his Conscience. The people ought to be
pleased with publick Justice, and not Justice seek to please
the people; Justice should flow like a mighty stream, and
if the Rabbie, like an unruly wind blow against it, it may
make it rough, but the stream will keep its Course.

Neither for my part, do I think we live in so corrupted an
Age, that no man can with safety be just and follow his Con-
science: if it be otherwise, we must hazard our Safety, to
preserve our Integrity.

And to speak more particularly as to Sir George Wakeman's
Tryal, which I am neither afraid, nor ashamed to mention,
I know that all honest and understanding Men in the King-
dome (speaking generally) are throughly satisfied with the
impartial Proceedings of that Trial, taking it as it is Printed;
which was done without the perusal of one Line by me, or
any Friend of mine. Though by the way, I wonder by what
Authority that Arbitrary Power was assumed, to forbid any
Friend of mine the seeing of it, before it was put out.

However, as it is, I will appeal to all Sober and Under-
standing Men, and to the Long Robe more especially, who
are the best and properest Judges in such Cases, as to the
Fairness and Equality of that Trial.

For those hireling Scribblers that traduce it, who write to
Eat,

Eat, and Lye for Bread , I intend to meet with them another way , for they are onely safe whilst they can be secret ; but so are Verrines , so long onely as they can hide themselves.

And let their Broakers , those Printers and Booksellers by whom they vend their falle and braided Ware , look to it ; some will be found , and they shall know , that the Law wants not power to punish a Libellous and Licentious Press , nor I a Resolution to execute it .

And this is all the Answer is fit to be given (besides a Whip) to those Hackney Writers , and dull Observators , that goe as they are hired or spurred , and perform as they are fed , who never were taught .

If there be any sober and good Men that are mis-led by falle Reports , or by subtilty deceived into any misapprehensions concerning that Tryal , or my self ; I should account it the highest pride , and the most scornful thing in the World , if I should not endeavour to undeceive them .

To such Men therefore I do solemnly declare here in the Seat of Justice , where I would no more Lye or Equivocate , than I would to God at the Holy Altar ,

I followed my Conscience , according to the best of my Understanding , in all that Trial ; without Fear , Favour , or Reward , without the Gift of one Shilling , or the value of it directly or indirectly , and without any promise or expectation whatsoever .

This I say to honest men (that know me not) , if any that do know me needed this , they should not have had it , for they use me ill ; he that knows me and doubts , so long thinks it an even wager , whether I am the greatest Villain in the World or not , one that would sell the Life of the King , my Religion , and Countrey , to Papists for Money : And he that says great Places have great Temptations , has a little , if not a false Heart himself , for no Temptation is big enough for a sin of this Magnitude .

I would seeke the Papists now make any faine Concessions from what I say, that because I improve the insolence of some mens Tongues and Pens, concerning this Tryal, they shold thence infer they have not had or (at least) cannot expect fair play, because some foolish men cry out of their acquittal, and think there is no Justice, where there is no Execution.

They have had faire Tryals, and some that have suffered have had the Ingenuity to confess it, and they shall still be tryed according to the Evidence, and the probability and credibility it carries with it.

But this I must say, he that thinks there is no Plot, is blind with prejudice or wilfully shuts his Eyes.

The Priests and Jesuits had a design to root out the Protestant Religion, and bring in Popery, and that is directly to overthrow the Government, and to effect this, that they would kill the King (were there no more) their Doctrine and Practises go very farre to prove it, and he that says the contrary is as much out, as where in a printed Pamphlet he too confidently asserts, that in all their Papers that were searched, there was not one ill Letter sound, or anything that was suspitious : *Colemans Letters* and the Letter found among *Harcourts* Papers will never be answered, not by saying that a meeting so exactly appointed, with all cautions imaginable, as not to appear too much about the Towne for fear of discovering the design, which in its own Nature requires secretes, that this was only a meeting to choose an Officer.

And yet to affirm that this is not so much as suspitious at least, is a confidence, that the Ingenuity of a Jesuit only will undertake to own.

However in the mean time the extravagant boldness of mens Pens and Tongues is not to be endured, but shall be severely punished. For if once Causes come to be tryed with Complacency to popular opinions, and shall be insolently censured if they go otherwise, all publick Causes shall receive their Doom as the multitude happen to be possest, and at length every Cause shall become publick, if they will but espouse it, at every Sessions the Judges shall be arraigned, the Jury condemned, and Verdicts overawed to comply with popular noise and undecent shouts.

There are a sort of melancholick chappelers which approve and countenance such Vulgar vnympes, and wanton iust and Straine
Scribbelians embrasse all sorts of Informations traying false, direc
ly proprie possible say though never so silly and ridiculous they
inuse, song, so shall all Addresse be made to them; and they
be look'd on as the onys Batrions of Religion and Gover
nment, though they should have but little of the one, and
would maintain the other only so farre as their aymishate hi
stomes. 139 has validating on his bus, conceivd on his gribboos

These Sir Politicks (if such there are) detest themselves
as much as they do others, and are now wharr they imagine
themselves to be with understanding and honest men, no nor
with those they think they ought neithen; for they use them to
servs their purposcs, as they think they serve others; and if
any thing shall say, it will prove so, nonni vodit words

Let us pursue the dicostry of this Plot a Godg Namey
and not baulk any shing wharr theteris danger or Suspicion
upon reasonable grounds, but what I knowe do it as to shew
our Zcs, we will pretend to shad what is not, nor stretch
gong thing beyond what it will be and reach another, nor
count him a Turn-coar, and not to be trusted that will not
betray his Conscience and understanding, that will not
countenance unreasonable boldness, nor believe incredible
shings. Least we fall into what we justly condemn in the
Papists, cruelty and vain credulity. Such courses cannot be
the relule of honest Intentions, but shrewdly to be sus
pected rather a Disguise in purluing one Villany to commit
another.

For my own part without any other meaning or re
servation whatsoever, I freely and heartily declare, I will
never be a Papist nor a Rebel, but will to my power sup
plics Popery as an open Enemy, and Faction as a secret
one.

No Act of Oblivion ought to make us to forget by what
ways our late troubles began, when the Apprentices and
Porters murined for Justice in their own sense. And though
I am morally certain, that no such effect will follow as did
then, yet the like insolence ought not to be suffered for the ex
ample past, and to come.

The City of London, I mean; the Lord Mayor and Aldermen, and generally all men of value and worth there, I think in my Conscience are at this Day as Loyally and Religiously disposed to defend the King, and the Government, and maintain the true Protestant Religion to their utmost, as any former Age whatsoever can shew, and I know the King thinks so too, and is therefore really and heartily as kind to them.

And therefore though our Jealousies may be many, our fears need not be so; For whosoever they are that design disturbances and publick Dissensions for private Ends, will find they are rather troubleome than dangerous, and the greatest mischief they will be able to effect will be upon themselves.

In short it is the proper busyness of this Court, and our Duties that sit Judges here, to take care to prevent and punish the mischief of the Prels.

For if men can with any safety Write and Print whatever they please, the Papists will be sure to put in for their share too, so that what between them, and the Factious, and the Mercenaries that Write for him that hires, and for what they are hired, we shall be infected with the French Disease in Government, and be overrun with Lies and Libels, which agrees neither with English mens honesty nor Courage, Who were wont to scorn to say what they durst not own.

Mr. Justice Jones.

We have a particular Case here before us in a matter of Scandal against a great Judge, the greatest Judge in the Kingdom in Criminal Causes, and it is a great and an high Charge upon him. And certainly there was never any Age I think more Licentious than this in aspersing Governors, scattering of Libels and Scandalous Speeches against those that are in Authority. And without all doubt it doth become this Court to shew their Zeal in suppreasing it.

I am old enough to remember (and perhaps feel the smart of it yet) the beginning of the late Rebellion, for a Rebellion it was and deserves no other name. I know it had the forerunner

nes of such Libels and Scandals against the Government as this is, and it followed almost to the subversion of the happiness of the Kingdome. As for the Tryal hinted at in this Affidavit I was not present wth my self, I was detained by my usual infirmity, so that I could not attend that Service, nor indeed have I read the Relation of it in Print, so considerately as to give a Judgement upon it. But I am very Confident (upon my knowledge of the Integrity of my Lord, and the rest of my Lords the Judges that were there) for there were all the Chief judges and almost all my Brothers) that that Tryal was managed with exact Justice and perfect Integrity by them.

And therefore I do think it very fit that this Person be proceeded against by an Information, that he may be made a publick Example to all such as shall presume to Scandalize the Government and the Governours with any false aspersions or accusations.

In Mr. Justice Dolben's Tryal before the Lord Chief Justice and the other Justices of the Kingdome at the assizes held at Stafford last year.

I am of that mind truly, and am very glad we have lit upon one of the Divulgers of these Scandals. I was present at that Tryal, and for my part I think the Scandal to my Lord Chief Justice was a Scandal to us all that were there, for if he had misbehaved himself in such a manner as some have reported, we had been strange People to see him and say nothing or not interpose to rectifie wherein he did amiss. And therefore I desire this man may be proceeded against for an Example to others.

At the assizes held at Hereford last year.

Here is now in the Pres, the Tryal, Conviction and Condemnation of William Atkins and Andrew Bromige, two Romish Priests, before the Right Honourable the Lord Chief Justice Scroggs, at Stafford Assizes last.

Together with the tryal of Charles Kern a Romish Priest at Hereford Assizes last.

Printed also for Robert Pawlet at the Bible in Chancery Lane.